

**TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING**

DATE: December 13, 2022
TIME: 4:30 PM
PLACE: Historic Train Depot, 115 S. Dickerson Street
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Mayor Pro-tem Wilfred Robbins
Bill George, Jan Dawson and James Malloy
BOARD MEMBER ABSENT: Vernon Harrell
STAFF PRESENT: James Gantt, Town Manager
Kristin J. Wells, Town Clerk
Zachary Rivenbark, Town Attorney
Wendy Pope, Finance Officer
Kimberly Rivenbark, Deputy Town Clerk
Jim Hock, Police Chief/Assistant Town Manager
Louis Hesse, Building Code Administrator
Alan Moore, Public Works Director
Cody Suggs, Parks & Recreation Director
Gilbert Combs, Planning Director
Jessica Gray, Community Development Coordinator
Jim Taylor, Fire Chief
MEDIA PRESENT: None
INVOCATION: Commissioner James Malloy
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Dawson at 4:30 PM and the invocation was led by Commissioner Malloy.

Approval of Agenda

Commissioner Robbins made a motion to approve the agenda as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Approval of Consent Agenda

Commissioner George made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

- A. Approval of the October 11, 2022 Regular Meeting Minutes
- B. Approval of the October 11, 2022 Closed Session Meeting Minutes
- C. Resolution 2022-27 Approving use of perpetual care funds for the one-time maintenance and repair of select monuments in the Burgaw Cemetery
- D. Resolution 2022-28 Adopting the regular meeting schedule of the Burgaw Board of Commissioners for year 2023
- E. Ordinance 2022-32 Amending FY 2022-2023 budget to reflect expenses under Fireman's Supplies

- F. Ordinance 2022-33 Amending FY 2022-2023 budget to reflect a monetary donation and park fee in lieu of in the Parks, Recreation & Tourism budget

SPECIAL PRESENTATIONS/REQUESTS

Tina Harget – Fee change request for use of the Burgaw Incubator Kitchen

Tina Harget, 106 Exeter Court, Burgaw, requested a reduce rate for use of the kitchen since she said she was a town resident. Mr. Suggs briefly explained the rental rates for the kitchen. There were also comments about Exeter Court being located outside of town limits. Commissioner Robbins requested Mr. Suggs look at the revenues for the kitchen and bring back more information at the next meeting. He added if a rate change is needed, it would need to be done for everyone using the facility, not adjusted on an individual basis.

Pender High JROTC Recognition – *Cody Suggs, Parks & Recreation Director*

Mr. Suggs and the board recognized the members of the Pender High JROTC for their hard work helping town staff and vendors during the Christmas on the Square event.

Recognition of retiring Town Employee Lucas Bautista-Guzman – *Mayor Dawson*

Mayor Dawson recognized Lucas Baustista-Guzman for his 10 years of service to the town. *Mr. Bautista-Guzman was not present.*

DEPARTMENTAL ITEMS

Parks, Recreation & Tourism Department – *Cody Suggs, Director*

Burgaw Area Chamber of Commerce Fee Consideration

On behalf of the Chamber Director, Emily Baker, Mr. Suggs requested the board consider waiving the usage fees for the 2023 annual Chamber events at the depot. Mr. Suggs said the town has waived the usage fees in the past for the Chamber events. After some discussion, Commissioner Dawson made a motion to approve waiving the usage fees and charge the cleaning fee. The motion was seconded by Commissioner Robbins and carried by unanimous vote. There was discussion regarding the cleaning process after events at the depot. Mr. Suggs said the Chamber agreement is up for renewal so that will come back to the board in January.

Departmental Updates – *Department Heads*

Police Department- *Jim Hock, Police Chief*

- Working on training within the department.
- New Patrol Officer, Andrew Vann, will begin December 20, 2023.
- Police Department is assisting with a number of local holiday events.

Commissioner Robbins asked if raising the starting salary for the police department helped in receiving applicants. Chief Hock advised it did have an impact on the applicant pool.

Fire Department – Jim Taylor, Fire Chief

- The Fire Department assisted with the Christmas parade.
- The department is working on updating the volunteer policy. Chief Taylor advised there are several things within the policy that need updating.

Chief Taylor also explained the training/volunteer incentive program, per the request of Commissioner Robbins from the last meeting when Chief Taylor was absent. Commissioner Robbins asked the status of full time firefighters currently within the department. Chief Taylor explained the number of staff on each shift and what the state requires.

Public Works Department – Alan Moore, Director

- Installing new water and sewer taps around town.
- Sewer camera work for I&I issues.
- Finishing taking down Christmas decorations.

Commissioner Dawson asked the status on the Public Works facility addition. Chief Hock advised staff is still waiting on an idea of costs from the contractor that is currently renovating the EMS building.

Building Inspections Department – Louis Hesse, Building Code Administrator

- Commercial projects are moving smoothly.

Commissioner Malloy said he has been questioned about container homes. After some brief discussion, Mr. Combs will look into this and bring back more information.

Planning Department – Gilbert Combs, Director

- Will be bringing forward text amendments to the UDO in the coming months.
- Tree City USA application has been submitted.
- Recognized Jessica Gray on recent certifications.

Parks, Recreation & Tourism Department – Cody Suggs, Director

- Completed canopy replacement program for this year by planting 28 various types of trees around town.
- New fence will be installed around the basketball and volleyball courts.
- Received easement from the county in regards to the Westside Trail that will go through Pender Memorial Park.
- PARTF contract has come back and we are officially on the clock to begin working on the project, to be completed by October 2025.
- New griddle in the incubator kitchen has been installed.

- Health Department recently inspected the incubator kitchen and a score of 100% was received.
- Signs with the parks rules have been ordered.
- Recognized Jayna Augst for recent certification.
- Christmas events are underway.

Finance Department – Wendy Pope, Finance Director

- Working on end-of-year tasks for the Finance Department.
- Completing CPE training by end of the month.

Human Resources Department – Kim Rivenbark, Director

- New Patrol Officer and Public Works employee starting soon.
- Working on cemetery project along with Chief Hock.

Clerk's Office – Kristin Wells, Town Clerk

- Reminded the board of the town Christmas luncheon this Friday at 12 noon.
- Working on "Letters to Santa".
- Save the date for the upcoming Cape Fear Council of Governments Annual Banquet to be held on February 23, 2023.
- There was brief discussion about the upcoming Pender County Municipal Association to be hosted by the Village of St. Helena this upcoming year.

BREAK 5:35 PM – 5:44 PM

PUBLIC FORUM

No speakers were present.

PUBLIC HEARINGS

Public Hearing #1 – Jessica Gray, Community Development Coordinator

Consideration of a text amendment to the Unified Development Ordinance requested by staff, to amend Section 8.13 Dimensional Requirements. This amendment will require the finished side of a fence to face the exterior of the property and any exposed framing to face the interior of the property and will modify the permitted height for industrial zoning districts and governmental uses.

Referenced attachments are on file in the Clerk's office.

Mayor Dawson declared the public hearing open at 5:45 PM.

Ms. Gray explained the text amendment request as described in Ordinance 2023-34. Commissioner Dawson commented on chain link fences. After some discussion, Commissioner

Robbins asked to specifically add in the ordinance “no chain link fences allowed in the front yard of residential homes.” Commissioner Robbins also asked if there was any way the town can legally say a fence of any kind in the front yard must come down if the property changes hands. Attorney Rivenbark said it would be conforming; the ones that exist now are fine and we can’t change those. He said if the owner wants to change the fence or if it gets torn down, and they want to put it back, then they have to comply with the ordinance at that point. Commissioner Dawson asked about fences becoming in disrepair. Attorney Rivenbark said he believes they would need to be built back to current standards. Attorney Rivenbark suggest to change the wording to not allow the chain link fences on properties of residential uses, not residential zoning (i.e. town cemetery is located in a residential zone and has chain link fencing). After discussion, Mr. Combs suggested to add item 6C “No chain link fences in the front yard for residential uses.”

There being no further discussion, Mayor Dawson declared the public hearing closed at 6:01 PM.

Resolution 2022-29 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by town staff to Section 8.13 of the Unified Development Ordinance to add a requirement that fences are built with the finished side facing the exterior perimeter and to allow conforming uses in the industrial zoning districts and government uses to have fences with a height up to ten (10) feet.

Commissioner George made a motion to approve Resolution 2022-29 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Ordinance 2022-34 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by town staff to Section 8.13 of the Unified Development Ordinance to add a requirement that fences are built with the finished side facing the exterior perimeter and to allow conforming uses in the industrial zoning districts and government uses to have fences with a height up to ten (10) feet.

Commissioner Dawson made a motion to approve Ordinance 2022-34 and presented, with adding the statement regarding chain link fences as described above. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Public Hearing #2 – Gilbert Combs, Planning Director

Referenced attachments are on file in the Clerk’s office.

Mayor Dawson declared the public hearing continued at 6:02 PM.

Consideration of a text amendment to the Unified Development Ordinance requested by staff, to amend Section 9.26.3 Development Design Standards and Processes and 9.26.7 Permitted Sign Standards by Zoning District. This amendment would create a definition for electronic changeable copy sign and would allow such signs in the B1 - Central Business District for certain uses.

Mr. Combs explained the text amendment request as described in Ordinance 2022-35. Mr. Gantt commented on the length of time for displaying messages on an electronic sign. He suggested no more than 30 seconds, but depends on the type of message being displayed. After some discussion, it was decided to change the display time length from 30 seconds to 10 seconds.

Mayor Dawson declared the public hearing closed at 6:11 PM.

Resolution 2022-30 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by town staff to Sections 9.26.3 and 9.26.7 of the Unified Development Ordinance to permit changeable copy signs – electronic in the B1, Central Business District and to add a definition for changeable copy sign – electronic.

Commissioner Dawson made a motion to approve Resolution 2022-30 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Ordinance 2022-35 A text change amendment of the Town of Burgaw Unified Development Ordinance requested by town staff to Sections 9.26.3 and 9.26.7 of the Unified Development Ordinance to permit changeable copy signs – electronic in the B1, Central Business District and to add a definition for changeable copy sign – electronic.

Commissioner Robbins made a motion to approve Ordinance 2022-35 with the amendment of the 10 second change as described above. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Public Hearing #3 – Gilbert Combs, Planning Director

Consideration of a text amendment to the Unified Development Ordinance requested by staff, to amend Section 10.13 Major Subdivision. This amendment will modify the process by which subdivisions falling into the major category must follow.

Referenced attachments are on file in the Clerk's office.

Mayor Dawson declared the public hearing continued at 6:12 PM.

Mr. Combs explained the text amendment request as described in Ordinance 2022-36. After Mr. Combs presented the request, Commissioner Dawson asked when the TRC would review the subdivisions. Mr. Combs advised the TRC needs to review the subdivisions prior to them going to the board for approval. Commissioner Robbins asked if the process is making it easier for developers and if it was lessening the scrutiny that is done with future developments. He also asked if the board would have the ability to regulate the growth in the town. Mr. Combs reminded the board he is speaking of quasi-judicial hearings, so it would be extremely difficult to deny a project as long as they are meeting all of the requirements. Mr. Combs said there is not any less scrutiny because it still must be reviewed by the TRC. He said basically it is streamlining the process; the planning board would no longer review the project ahead of time. It would go to the town board upon review of the TRC. After some comments, Commissioner Dawson added, she has nothing against developers, but the board's priority is the town.

Commissioner Robbins agreed. Mr. Combs and Mr. Gantt further explained the process as presented. Commissioner Malloy voiced his concern not wanting more Tealbriar and Creekside subdivisions.

There being no additional comments, Mayor Dawson declared the public hearing closed at 6:25 PM.

Resolution 2022-31 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by town staff to Section 10.13 of the Unified Development Ordinance to modify the process by which subdivisions falling into the major category must follow.

Commissioner Dawson made a motion to approve Resolution 2022-31 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Ordinance 2022-36 A text amendment of the Town of Burgaw Unified Development Ordinance requested by town staff to Section 10.13 of the Unified Development Ordinance to modify the process by which subdivisions falling into the major category must follow.

Commissioner Dawson made a motion to approve Ordinance 2022-36 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

ITEMS FROM ATTORNEY – Zachary Rivenbark, Town Attorney

Attorney Rivenbark stated he only had items for closed session.

ITEMS FROM MANAGER – James Gantt, Town Manager

Cost of Living Adjustment (COLA) consideration

Mr. Gantt advised, when the board adopted the FY 2022-2023 budget, a COLA of 3.75% increase was approved for full-time staff. An additional 2% COLA was also included in the budget to consider mid-budget year once staff reviewed town finances and the current CPI. Commissioner Robbins said he believes the board wanted to make sure the funds were going to be available mid-year before issuing the additional 2% COLA, due to inflation issues for everyone. He said he knows it was included in the budget, but asked if the funds were available. Mr. Gantt and Ms. Pope advised finances are looking good for the town, but pricing of food, supplies, etc. are still rising. Commissioner Robbins made a motion to approve issuing the 2% COLA. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Updates on current town projects

- Renovation of the EMS building is moving along smoothly.
- Emergency Watershed Protection project along the canal is currently in progress. Mr. Gantt explained the scope of the project. He also added NC DOT is supposed to look at the culvert under Timberly Lane, as well as other culvert issues in town. Commissioner Robbins commented on sending a letter to Senator Rabon for assistance with these issues

in town. After some discussion, everyone was in agreement with approving a resolution at the next meeting to request the state investigate culvert issues further and try to push them to do work that is needed at the state owned streets in town.

- NC DOT is looking at paving a portion of Walker Street and Timberly Lane beginning in March.
- There has been recent concern regarding GenX/PFAS in our water system. Mr. Gantt advised lab results came back and nothing was detected.
- The large oak tree in front of town hall is in the process of being cut down. An arborist looked at it and confirmed that it needed to come down due to age and it dying.

Other items

Commissioner Robbins asked for a status of the projects proposed along Wilmington Street. Mr. Gantt advised the crosswalk project and the traffic calming project on Wilmington Street between Walker Street and US Highway 117 are both in the design stage currently. It was discussed film revenue would be used for the project.

Commissioner Dawson commented on the trash in the canal where the EWP project is being done. Mr. Gantt said the contractors are cleaning trash out and keeping their work area cleaned as they progress.

ITEMS FROM ASSISTANT MANAGER – *Jim Hock, Assistant Town Manager*

Cemetery Ordinance – Discussion

Chief Hock gave an update on the progress of the cemetery enhancements as proposed during the last meeting. He said the bricks for the entry gates have been fixed and completed. The contractor will start soon with fixing fallen headstones. Once this is complete, the landscaper will begin clean up and the fence will be installed. Chief Hock reviewed the cemetery ordinance with proposed changes by staff (attached).

Commissioner Dawson commented on section 10-6 regarding vines. She asked why the town should think it's okay to allow vines to grow. After some discussion, it was agreed upon to remove the word "vines" from section 10-6.

Commissioner Dawson also mentioned glass vases that was included in section 10-10. She thinks if it is something memorializing the person, it should be okay. There was discussion about the goals of enhancing the cemetery and what should and should not be allowed. After some comments, it was determined to include other deteriorating items, such as items, flags, etc. along with the section 10-11, removal of flower arrangements. The board also agreed to include seasonal flowers within the time limit to remove if deteriorating.

There were comments about the addition by staff to section 10-18, headstones/footstones, regarding the installation of headstones/footstones.

After discussion, Chief Hock advised staff will clean up the ordinance and bring it back at the next meeting. Attorney Rivenbark added the town needs to be careful when determining what might be offensive on graves when determining what needs to be removed.

Other items from Assistant Town Manager

Chief Hock advised he is still working on the Use of Engine and Compression Brakes ordinance and will bring back for review next month. He also said he is working on an ordinance regarding grass clippings and leaves. There was discussion in the past regarding these types of items being placed in paper bags or looking at other options. This item will come back to the board at a later date. There was much discussion about leaves and grass clippings washing down the street into storm drains when they are left on the curb for pick-up by Public Works. There were also comments about educating the citizens by placing information in the newsletter, website, Facebook, etc.

Mayor Dawson asked about the large pile of debris on Bodenheimer Street. Mr. Gantt said staff is trying to resolve the issue.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Appointment of Council of Governments (COG) Representative and Alternate Representative

Commissioner Robbins made a motion for Commissioner Dawson to continue serving as the representative for the Council of Governments, as well as Commissioner George continue serving as the alternate. The motion was seconded by Commissioner Malloy and carried by unanimous vote. Commissioner Dawson and George agreed to continue serving.

Naming of the former EMS Building – Discussion

Mayor Dawson advised we wanted to bring up the discussion of officially naming the former EMS building since it is nearing completion of the renovations. Commissioner Robbins said he would like everyone to really think about it before making a decision. He said, in his opinion, we have already named it the “Former EMS Building.” Commissioner Dawson stated she likes “Burgaw Town Center.” Mayor Dawson said everyone will always refer to the building as the “old EMS building,” but it needs an official name. Commissioner Dawson and Mayor Dawson agreed we need to memorialize the building from past entities using the facility, such as Pender Rescue Squad, etc. After some brief discussion, it was decided not to include on a future agenda, and the board will bring the discussion up when there are name ideas.

Other items from Mayor and Board of Commissioners

Commissioner Robbins said he received a call from the Chairman of the NC Blueberry Festival, Doug Krynicki, about the storage at the Public Works facility. He said Mr. Krynicki voiced his concern about trying to find alternate storage space for the festival. Commissioner Robbins asked the board if anyone wanted to discuss this matter further to reconsider the letter sent to the

festival advising them to remove their items by the end of June 2023. There were no comments by the board present.

Commissioner Robbins also commented on an ordinance regarding pet waste when walking dogs around town. He said there was a recent issue in the downtown area. Mr. Combs advised he is researching how other towns handle this type of issue. More information will be brought back to the board at a future meeting.

Commissioner Malloy asked about a dog park that was talked about in the past. There was some preliminary research done by staff, but has not moved forward due to concerns with staff maintaining a dog park, etc. After discussion, it was decided to look at this during the upcoming budget year.

Commissioner Malloy commented on cleaning out the main canal going through town. After some discussion, Mr. Gantt advised staff will look into the options of maintaining and cleaning out the canal.

CLOSED SESSION – 7:22 PM

Commissioner Robbins made a motion to go into closed session pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and NC GS 143-318.11(a)(6) Personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

OPEN SESSION – 9:07 PM

Commissioner Robbins made a motion to go back into open session. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Upon reconvening in open session, Commissioner Dawson made a motion to allow Town Manager, James Gantt, to sign the Memorandum of Understanding with Pender County regarding the School Resource Officer positions, once the county approves it at their January 3, 2023 meeting. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

ADJOURNMENT

Commissioner Dawson made a motion to adjourn. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

The meeting was adjourned at 9:09 PM.

G. Olivia Dawson, Mayor

Attest: _____
Kristin J. Wells, Town Clerk